

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SYLVESTER JACKSON,

Plaintiff,

v.

DEBRA TIDQUIST, KENNETH ADLER,
GEORGIA KOSTOHRYZ and GREG MEIER,

Defendants.

ORDER

13-cv-662-bbc

Pro se plaintiff Sylvester Jackson is proceeding on Eighth Amendment deliberate indifference claims against several prison officials for failing to properly treat his diabetes. Currently before the court is plaintiff's motion to appoint counsel. Because this court does not have authority to compel a lawyer to represent plaintiff, Pruitt v. Mote, 503 F.3d 647, 653 (7th Cir. 2007), I have construed the motion as one for assistance in recruiting counsel under 28 U.S.C. § 1915(e)(1).

Before the court will look into recruiting counsel for a plaintiff, the plaintiff must make reasonable efforts to find a lawyer on his own. Jackson v. County of McLean, 953 F.2d 1070 (7th Cir. 1992). To prove that he has made reasonable efforts to find a lawyer, the court usually requires the plaintiff to give the court rejection letters from at least three lawyers. In his motion, plaintiff states that he wrote to three lawyers more than a month ago but never received a response from any of them. It is unusual that plaintiff received no

response from any of the lawyers and plaintiff does not explain whether he followed up with any of them, so I am uncertain that he has truly made reasonable efforts to obtain counsel on his own.

However, even if I assume that plaintiff's efforts to find a lawyer on his own have been reasonable, I must deny his motion because it is too early in the case to tell whether it is one of those relatively few cases in which it appears from the record that the legal and factual difficulty of the case exceeds his ability to prosecute it. Pruitt, 503 F.3d at 654–55. In particular, the case has not even passed the relatively early stage in which defendants may file a motion for summary judgment based on exhaustion of administrative remedies, which often ends up in dismissal of cases such as plaintiff's before they advance deep into the discovery stage of the litigation. Should the case pass the exhaustion stage and plaintiff finds himself unable to litigate the suit himself, he may renew his motion. In the meantime, I encourage plaintiff to follow up with the lawyers to whom he previously sent letters.

ORDER

IT IS ORDERED that plaintiff Sylvester Jackson's motion for assistance in recruiting counsel, dkt. #14, is DENIED.

Entered this 9th day of April, 2014.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge